

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

WENDI ARTZ,

Plaintiff,

vs.

ROCK CREEK CATTLE COMPANY,
LTD, ROCK CREEK CATTLE
COMPANY HOMEOWNERS
ASSOCIATION, INC., JUIANNE
BERENYI, and DOES A—E,

Defendants.

CV-20-07-BU-BMM-KLD

ORDER

Plaintiff Wendi Artz filed her Complaint in the Butte Division of the United States District Court for the District of Montana. (Doc. 1.) Artz alleges that the events giving rise to her injury occurred in Powell County, Montana. (*Id.* at 3.) Defendants filed an Unopposed Motion to Dismiss for Improper Venue. (Doc. 8.) Defendants point out that Powell County is in the Helena Division of this Court, not the Butte Division. (*Id.* at 3 (citing Local Rule 1.2(c)(4))).

“The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28

U.S.C. § 1406(a). Dismissal is a harsh remedy, and 28 U.S.C. § 1406(a) was designed to avoid the “time-consuming and justice-defeating technicalities” to which dismissal for improper venue may give rise. *See Goldlawr, Inc. v. Heiman*, 369 U.S. 463, 467 (1962). The Court finds it is in the interest of justice to transfer this case to the Helena Division of the District of Montana. Accordingly,

IT IS ORDERED that Defendants’ Motion to Dismiss for Improper Venue (Doc. 8) is **DENIED**.

IT IS FURTHER ORDERED that *Artz v. Rock Creek Cattle Co. et al.*, CV-20-07-BU-BMM-KLD, is transferred from the Butte Division to the Helena Division of the District of Montana. The Clerk of Court is directed to assign the case a new case number in the Helena Division.

DATED this 5th day of March, 2020.



Brian Morris
United States District Court Judge